

REMARKS

Applicant acknowledges receipt by the US Patent and Trademark Office of the priority documents under 35 USC 119(a-b), perfecting applicants claim to priority.

The Examiner has raised certain objections to the drawings under 37 CFR 1.83(a) which objection is respectfully traversed. Since the original claims 1-9 have been cancelled, applicant believes the objection to the drawings to be moot, in that the "interpolation" steps to which the Examiner refers to as a basis for requesting modification of the drawing, is no longer present in the claims. Accordingly, applicant respectfully requests withdrawal of the objection to the drawings.

Applicant acknowledges that of the IDS filed by applicant on August 23, 2004 has been received. In the IDS, applicant makes reference to a Japanese Office Action issued by the Japanese Patent Office in connection with the basic Japanese Patent Application No. 2001-050653, which has been made of record. Applicant believes that it is not necessary to provide an English translation of this Office Action in that it is only necessary for the references as recited in the IDS to be made of record. An English abstract accompanies each of the references. Accordingly, applicant does not understand the statement of the Examiner regarding the foreign priority papers of Applicant relative to the so-called "JP Report". Applicant requests that this objection be withdrawn since the "JP Report" has no relevance to making the Japanese documents in the IDS of record.

The rejection of claims 1-9 under 35 USC 112, first paragraph is traversed in that claims 1-9 have been cancelled and replaced by claims 10-15, which are believed to be in compliance with the requirements of 35 USC 112. Accordingly, the rejection under 35 USC 112, should be withdrawn.

The rejection of claims 1 and 8 under 35 USC 103(a) as well as claims 2 and 3 under 35 USC 103(a) are considered moot in view of the cancellation of claims 1-9 and their replacement with claims 10-15. However, applicant will treat the rejection of the claims 1 and 8 and 2 and 3 respectively as a corresponding rejection of new claims 10-15, which applicant respectfully traverses.

The optical disk drive as claimed in claim 1 is characterized by a storage unit configured to store information indicating how a tracking offset value is to be varied, corresponding to each of the plurality of rotative modes, and a control unit configured to read the information indicating how the tracking offset value is to be varied from said storage unit. This feature is not recited in any of the references of record or even remotely suggested.

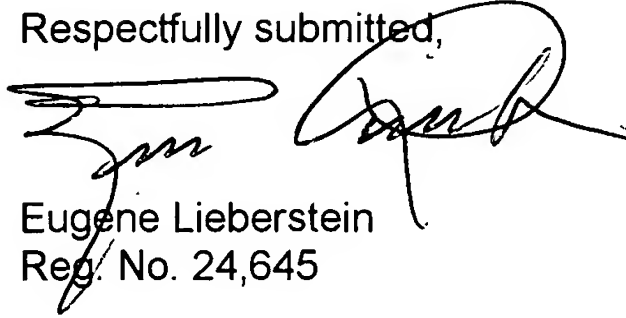
Claim 13, which is an independent method claim is directed to the method of determining an optimum tracking offset value of the optical disk and requires the step of reading information indicating how a tracking offset value is to be varied corresponding to each of plurality of rotative modes and writing test data in a first plurality of frames of the optical disk using the tracking offset value, varied based on the information. None of the cited references teach or suggest a method as claimed in claim 13.

Claims 10 and 13 are shown in Fig. 4, steps S26-32 and are associated on page 15, line 13 through page 16, line 2. The dependent claims 11 and 14 are described on page 17, line 31 through page 19, line 15 with reference to Fig. 11. Claims 12 and 15 are described on page 19, lines 16-32.

Accordingly, new claims 10-15 are clearly patentable over the references of record.

Reconsideration and allowance of claims 10-15 is respectfully solicited.

Respectfully submitted,



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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 2/14/05.



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